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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,831	04/29/2002	Henri Peter Maria Van Seumeren	02-015	2358
20306	7590	11/14/2003	EXAMINER	
MCDONNELL BOEHNEN HULBERT & BERGHOFF			GIBSON, RANDY W	
300 SOUTH WACKER DRIVE			ART UNIT	
SUITE 3200			PAPER NUMBER	
CHICAGO, IL 60606			2841	

DATE MAILED: 11/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/030,831	VAN SEUMEREN, HENRI PETER MARIA	
	Examiner	Art Unit	
	Randy W. Gibson	2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \*    c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                 | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s): ____   |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)        | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other:  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Claim Objections***

2. Claims 10 and 11 are objected to because of the following informalities: the term "possible" in the phrase "possible additional electronics" renders the claims indefinite since it is unclear if "electronics" are part of the claimed limitations or not; also, it is unclear what these "additional electronics" might be. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 10, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Raz (US # 4, 666,004). Raz discloses the claimed invention including a strain gage on a substrate (I.E.: "load cell") located on a part of the fork lift frame that mutually connects the forks (Col. 4, lines 22-57).

5. Claims 1-5, 10, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Cech (US # 5,417,536). Cech discloses the claimed invention including a strain gage on a substrate (I.E.: "load cell") located on a part of the fork lift frame that mutually connects the forks (Col. 2, lines 45-52; Col. 3, line 30 to col. 4, line 4).

6. Claims 1-5, 10, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Airesman (US # 3,910,363). Airesman discloses the claimed invention including a strain gage on a substrate (I.E.: "load cell") located on a part of the fork lift frame that mutually connects the forks (Fig.s 1-3).

7. Claims 1-5, 10, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson et al (US # 5,837,946). Johnson et al discloses the claimed invention including a strain gage on a substrate (I.E.: "load cell") located on a part of the fork lift frame that mutually connects the forks (Fig. s 5, 6, & 7).

8. Claims 1-5, 10, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Bradley (US # 4,421,186). Bradley discloses the claimed invention including a strain

gage on a substrate (I.E.: "load cell") located on a part of the fork lift frame that mutually connects the forks (Fig.s 2-7).

9. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by FR 2,752,298 A. See the PCT search report.

10. Claims 1, 5-11 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 803,717 A. See the PCT search report.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure Cappiello shows a display similar to the applicant's claimed display (Fig.s 8A & 9A). Ashpes et al (Col. 4, lines 46-51) and Boubille show a lift similar to the applicant's claimed device.

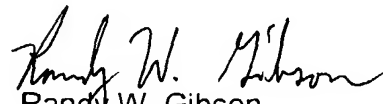
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy W. Gibson whose telephone number is (703) 308-1765. The examiner can normally be reached on Mon-Fri., 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David S Martin can be reached on (703) 308-3121. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-5115.

  
Randy W. Gibson  
Primary Examiner  
Art Unit 2841